

A
B I L L

TO

Amend the Law relating to Fisheries in Ireland.

A.D. 1900.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

5 1. This Act may be cited for all purposes as the Fisheries (Ireland) Act, 1900. Title of Act.

2. This Act shall not apply to England or Scotland. Application of Act.

3. The Acts enumerated in the schedule to this Act annexed shall be incorporated with this Act and construed together as one Incorporation of Acts.
10 Act, except where the provisions thereof are altered by this Act or are repugnant thereto.

4. In the construction of section seventy-four of the Fisheries (Ireland) Act, 1842, the words "unsensible salmon" shall include salmon called keeves, kippers, keepers, kelts, or mended kelts, and Definition of the words "unsensible salmon" used in the 5 & 6 Vict. c. 106. s. 74.
15 salmon, by whatever local name known, which are returning to the sea after spawning.

5. If any person shall empty or discharge or permit to run or flow into any river or lake any water in which flax or hemp has been steeped, he shall forfeit and pay for every such offence a sum Discharging flax water into rivers, &c. prohibited.
20 not exceeding *ten pounds* and not less than *two pounds*, and in case the person who shall have actually committed any such offence shall not be known or found, then in such case the owner or occupier of the land on which such flax or hemp has been steeped shall be deemed and taken to be liable to and shall incur the Alteration of the penalty imposed by the 5 & 6 Vict. c. 106. s. 80.
25 penalty aforesaid as if such offence had been actually committed by him.

6. Every person who shall commit any of the offences specified in section eighty of the Fisheries (Ireland) Act, 1842, shall forfeit and pay a sum not less in any case than *two pounds* and not Alteration of the penalty imposed by the 5 & 6 Vict. c. 106. s. 80.
30 exceeding the sum of *ten pounds*.

[Bill 132.]

A

A.D. 1900.

Discharge of
poisonous
matters or
liquids into
rivers, &c.
prohibited.

7. In case it shall appear that there has been thrown, emptied, or discharged into any river or lake any dyestuff or other deleterious or poisonous liquid or matter proceeding from any mill, factory, or manufacturing process, and the person who shall have actually committed any such offence shall not be known or found, then 5 and in such case the owner or occupier of such mill, factory, or manufacturing premises shall be deemed and taken to be liable to and shall incur the penalty specified in section eighty of the Fisheries (Ireland) Act, 1842, as amended by this Act, in the case of persons throwing, emptying, or discharging or causing to run or 10 flow into any river or lake any deleterious or poisonous liquid or matter, as if such offence had been actually committed by such owner or occupier.

Incorporation
of
provisions of
Malicious
Damage
Act so far as
they relate to
poisoning
waters.
(24 & 25 Vict.
c. 97.)

8. The provisions of the thirty-second section of the Malicious Damage Act, 1861, so far as they relate to poisoning any water 15 with intent to kill or destroy fish, shall be extended and apply to rivers frequented by salmon as if the words "or in any river frequented by salmon" were inserted in the said section in lieu of the words "private rights of fishery" after the words "noxious material in any such pond or water." 20

Use, &c.
of dynamite,
&c. in any
lake, &c.
with intent
to kill
salmon, &c.
prohibited.

9. Any person throwing into or using in any lake, river, or estuary, or having in his possession near any lake, river, or estuary, dynamite or other explosive compounds, with intent to kill or destroy salmon or other fish, shall be liable on summary conviction to a penalty not exceeding *twenty pounds*, and not less than *ten* 25 *pounds*, or, in the discretion of the court, to be imprisoned with or without hard labour, for a term not exceeding *two months*.

Alteration of
5 & 6 Vict.
c. 106. s. 63

10. The owner or occupier of any dam, weir, dyke, or other erection placed after the passing of the Fisheries (Ireland) Act, 1842, in or across any river frequented by salmon, or of any dam, 30 weir, dyke, or other erection which has been increased since the passing of the said Act, or which shall hereafter be increased, or of any watercourse leading the water from above such dam, weir, dyke, or other erection, to any mill, factory, or other work, and which watercourse shall have been enlarged since the passing of the said 35 Act, or which shall be hereafter enlarged in such wise as to reduce the level of the water at the up-stream side of such dam, weir, dyke, or other erection, who omits or fails to make in such dam, weir, dyke, or other erection such provision for the free passage of salmon, trout, and other fish as is required by the sixty-third 40 section of the said Act, shall incur a penalty not exceeding *twenty*

pounds for every such offence, and a further penalty not exceeding two pounds for every day during which such offence is continued, commencing from the date of the first conviction. A.D. 1900.

11. If three or more persons acting in concert or being together in company shall at any time between the expiration of the first hour after sunset on any day and the beginning of the last hour before sunrise on the following morning enter or be found upon any ground adjacent or near to any lake, river, estuary, or the sea, or in or upon any lake, river, or estuary, or the sea, with intent illegally to take or kill salmon, or having in his or their possession any net, rod, spear, light, or other instrument used for taking salmon, with such intent as aforesaid, or shall illegally take or kill, or attempt to take or kill, or aid or assist in killing or taking salmon, every such person shall be liable on summary conviction either to a fine not exceeding *ten pounds*, and not less than *five pounds*, or, in the discretion of the court, to be imprisoned, with or without hard labour, for a term not exceeding *two months*, and to the forfeiture of all boats, nets, and gear used or attempted to be used in such illegal fishing.
12. Where a turbine or other hydraulic machine is supplied by means of a watercourse with water from a river frequented by salmon, the person owning or using such turbine or other hydraulic machine shall, if so required by the Inspectors of Irish Fisheries, construct immediately on the up-stream side of the said turbine or other hydraulic machine, a hy-wash extending in depth to the level of the bottom of such watercourse, and joining such watercourse with such river. And shall also construct in such watercourse immediately on the down-stream side of such hy-wash, gratings or other efficient means so as to prevent salmon or the young of salmon, from passing into such turbine or other hydraulic machine. And such hy-wash, gratings, and other efficient means, shall be constructed and maintained to the satisfaction of the Inspectors of Irish Fisheries, and shall be so constructed, if possible, as to be open at all times to inspection. And such hy-wash shall be kept open from twelve o'clock p.m. on each Saturday night to twelve o'clock p.m. on the Sunday night following. And such person making default in any of the provisions aforesaid shall forfeit and pay a sum of not less than *five pounds* nor more than *twenty pounds* for each day during which such default shall continue.
13. No person shall have in his possession, or buy, sell, or expose for sale any salmon or trout, or part of any salmon or trout, in any town or place during the close season for salmon or trout for

Penalty for three or more persons in concert at night illegally killing salmon.

Construction of hy-washes.

Penalty for any person having in possession

A.D. 1900.

salmon
or trout
caught in
close season.

the river or lake or part of the sea coast nearest to such town or place, and any person acting in contravention of this section shall forfeit any salmon or trout or part of any salmon or trout found in his possession, or bought, sold, or exposed for sale, and shall incur a penalty not exceeding *ten pounds*, and a further penalty of not less than *ten shillings* and not exceeding *five pounds* for every such salmon or trout or part of any salmon or trout. But nothing herein contained shall apply to any person having in his possession or buying, selling, or exposing for sale, any clean fresh salmon or trout caught beyond the limits of the United Kingdom, or caught within the limits of the United Kingdom at a time when, and in a place where, the capture of the same was lawful, but the burden of proving that any clean fresh salmon or trout so found in possession, or bought, sold, or exposed for sale, was captured abroad or lawfully captured within the United Kingdom, shall lie on the person having in his possession, or buying, selling, or exposing for sale, any such salmon or trout or part thereof.

Penalty for using fixed
cribs, &c.
for capture
of trout in
waters fre-
quented by
salmon
during the
close time
fixed for the
capture of
salmon by
cribs, &c.,
in such
waters.

14. No fixed crib, crueye, box, fixed engine, or other device, and no haul, draw, meshing, or other net, of any description, shall be used for the capture of trout of any description in any lake, river, or estuary, tideway, or other part of the sea coast frequented by salmon during such periods as may be, or may have been, fixed, by or in pursuance of the powers conferred by the Fisheries (Ireland) Acts as the close time for fishing for salmon by means other than by angling with single rod and line in respect of such waters. If any person shall take or fish for, or aid, or assist in taking, or fishing for, trout by the means and in the waters aforesaid, and within such periods as aforesaid, he shall forfeit and pay for every such offence a sum not exceeding *ten pounds*, nor less than *four pounds*, and shall also forfeit every such engine, device, or net used contrary to the provisions of this section, and shall also forfeit every fish so taken.

Minimum
penalty for
fishing in
the close
season.

15. Whereas by the said Fisheries (Ireland) Act, 1842, in section thirty-six, it is provided that if during the close season for salmon for any river, lake, estuary, or any part of the sea coast, any person shall wilfully take or fish for, or aid or assist in taking or fishing for, any salmon or trout therein or therefrom, such person shall forfeit and pay any sum not exceeding ten pounds for every such offence, and shall also forfeit every fish so taken, and every net or engine by which the same may have been taken; and whereas it is expedient that a substantial minimum penalty should be specified for such offences, be it

therefore enacted that any person who shall commit any of the said offences shall (in addition to the forfeitures imposed) forfeit and pay a sum not less than *five pounds* and not exceeding *twenty pounds*.

A.D. 1900.

- 5 16. There shall be repealed so much of the forty-first section of the Fisheries (Ireland) Act, 1848, as provided that the penalty for the offences therein mentioned shall be not less than ten shillings nor more than five pounds, and in lieu thereof be it enacted that every person who shall commit any of the offences in the said
10 section specified shall pay a sum not less than *five pounds* and not more than *ten pounds*, together with forfeiture of the engine used.

Alteration of penalty imposed by 11 & 12 Vict. c. 92. s. 41.

17. Sections sixty-five and seventy-eight of the Fisheries (Ireland) Act, 1842, and section forty of the Fisheries (Ireland) Act, 1850, are
15 hereby repealed, and in lieu thereof be it enacted that if any person shall have or use in any fresh waters, river, or lake, or on the banks thereof, at any season of the year for the purposes of, or with the intent of, taking salmon or other fish, any light or fire of any kind or any spear (except eelspears), lyster, stroke-haul, dree-draw,
20 or other such instrument, otter, or guff (except when the latter implement is used solely as auxiliary to angling legally with rod and line, or for the purposes of removing fish from any legal weir or box by the owner or occupiers thereof), or any net (except a lawful net had or used by the owner of a several fishery or his licensee
25 within the limits thereof); or if any person shall be found at any time chasing, injuring, or disturbing spawning fish or fish on the spawning beds, or attempting to catch fish in such places (except with rod and flies only within the lawful period), or damming or teeming or emptying any weir, watercourse, river-course, or mill-race, for the purpose of taking or destroying any salmon or trout,
30 or the fry thereof, every person so offending in any of the cases aforesaid shall forfeit all such instruments and implements, and shall forfeit and pay any sum not exceeding *ten pounds*, and not less than *four pounds*.

Repeal of the 5 & 6 Vict. c. 106, s. 65 and s. 78, and 13 & 14 Vict. c. 28, s. 40. Penalty for having or using lights, otters, guffs, lysters, &c. at any time in inland rivers.

- 35 18. On any application to the inspectors for a transfer or renewal of a certificate for any fixed engine for which a certificate shall have been granted by them, or by the special commissioners for Irish fisheries under the provisions of the Salmon Fishery (Ireland) Act, 1863, the original certificate produced from the
40 office of the said inspectors shall be conclusive evidence that such fixed engine was legally erected for catching salmon during the open season of 1862, and that all the provisions of the Fisheries

Original certificate of inspectors for fixed engine, evidence same vis legal erected in 1862.

A.D. 1900.

(Ireland) Act, 1842, in regard to such fixed engine have been complied with.

Certificate of fixed engine erected under 5 & 6 Vict. c. 103, 19 shall be conclusive evidence of any person holding under a valid grant for any term (without being in the occupation of the land adjoining the shore) to use such engine.

19. Where a certificate has been granted by the special commissioners for Irish fisheries or by the said inspectors for any fixed engine erected in pursuance of the provisions of the nineteenth section of the Fisheries (Ireland) Act, 1842, the right to erect and use such fixed engine may from henceforth be exercised by any person holding same under a valid grant for any term or interest whatsoever, and the possession and occupation by such person of the land adjoining the shore to which such fixed engine is attached shall not be deemed necessary for the legal use of such fixed engine, anything in the said Act or the said Acts to the contrary notwithstanding.

The provisions of the Pollen Fisheries (Ireland) Act, 1891, extended so as to include salmon and trout.

20. The provisions of the Pollen Fisheries (Ireland) Act, 1891, save sections three and four thereof, shall extend to salmon and trout.

Constabulary and other officers to carry out and enforce this Act and Fishery Acts now in force.

21. All officers and men of the constabulary, and all other officers and persons appointed to carry out and enforce the provisions of the Salmon Fisheries Acts now in force, shall also be empowered to carry out and enforce the provisions of this Act and the Fishery Acts now in force.

Regulation of penalties under the Salmon Fisheries (Ireland) Acts.

22. The penalty in respect of any offence under the Salmon Fisheries (Ireland) Acts shall on a conviction for a second offence be not less than *one half* of the maximum penalty capable of being imposed in respect of such offence, and on a conviction for a third or subsequent offence the full penalty mentioned therein shall be imposed.

Definition of "summary conviction."

23. "Summary conviction" shall mean a conviction under the Petty Sessions (Ireland) Act, 1851, or any Acts in force for the like purpose in the police district of Dublin metropolis, or any Acts amending such Acts.

Recovery of penalties.

24. All penalties imposed by this Act shall be recovered and applied in manner in which penalties under the said Acts are recoverable and applicable.

Weekly close time not to be extended beyond the period fixed by the Fisheries (Ireland) Acts.

25. It shall not be lawful for the inspectors of fisheries to make any order or byelaw extending, whether directly or by indirect means, the period of the weekly or nightly close times beyond the period or number of hours mentioned in the Fisheries (Ireland) Acts save in the particular instance mentioned specifically in the eleventh section of the Salmon Fisheries (Ireland) Act, 1863.

SCHEDULE.

A.D. 1900.

	5 & 6 Vict. c. 106.	32 & 33 Vict. c. 92.
	7 & 8 Vict. c. 108.	33 & 34 Vict. c. 33.
	8 & 9 Vict. c. 108.	40 & 41 Vict. c. 42.
5	11 & 12 Vict. c. 92.	40 & 41 Vict. c. 65.
	13 & 14 Vict. c. 88.	44 & 45 Vict. c. 68.
	26 & 27 Vict. c. 114.	47 & 48 Vict. c. 48.
	29 & 30 Vict. c. 88.	51 & 52 Vict. c. 30.
	29 & 30 Vict. c. 97.	52 & 53 Vict. c. 74.
10	32 Vict. c. 9.	54 & 55 Vict. c. 20.

